



Idaho Department  
of Education

# Equitable Services for Private Schools

Lisa English  
Equitable Services Ombudsman



# The Basics

## Every Student Succeeds Act Title I-A

—Educational services and other benefits for private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

## Because:

- Students would receive if enrolled in LEAs
- LEA funding include private school students
- Help meet “challenging state academic standards”
- Students may return to LEAs
- Required by federal law

# Which Private Schools are included?



- Non-profit schools serving grades K-12
- Home school cooperatives, day cares, and tutoring programs are not included



- LEA maintains control of ESEA funds, materials, equipment, and property.
- Private schools have no authority to obligate ESEA funds.
- No ESEA program funds paid to private school, even reimbursements.



# What can Equitable Services funds be used for?



- Professional development (Title II-A)
- College and career guidance and counseling programs (Title IV-A)
- Expanded learning time, including before- and after-school or summer school (Title I-A)
- Counseling/ mentoring (Title I-A)
- Computer-assisted instruction (Title I-A)

# What can't Equitable Services funds be used for?



- Textbooks
- Construction/repairs/remodeling
- Reducing class size





Equitable services must:

- Allowable and allocable under ESEA
- Reasonable and necessary under UGG 2 C.F.R. 200
- Supplement, not supplant
- Secular, neutral, and nonideological
- *Services may be different from what is provided to public school students and educators.*

# Title I-A Funding

## Equitable Services

Title I-A	Title IIIIV
Title I-A	Title II-A
	Title IV-A
	Title I-C

- Section 1117 of the ESEA.



- Provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps.

# Eligibility for Title I Services



- **To be eligible for services, a child must:**

- o Reside in a participating Title I public school attendance area; **and**
- o Be identified by the LEA as low achieving on the basis of multiple, educationally related, objective criteria.

- **A child may be identified as eligible solely by virtue of their status as follows:**

- o Homeless children;
- o Children who in the preceding two years had participated in Head Start, a literacy program under Title II, Part B, Subpart 2, a Title I preschool program, or a Title I, Part C (Migrant Education) program; and
- o Children in a local institution for neglected or delinquent children and youth or attending a community day program.

- **Poverty is not a criterion for services.**

- Determine the amount of funds available for equitable services based on the proportion of children from low-income families who reside in participating Title I public school attendance areas and attend private schools; **and**
- Determine the proportional share of Title I funds available for equitable services for eligible private school children based on the total amount of Title I funds received by the LEA prior to any allowable expenditures or transfers of funds.

# Proportional Share Example



An LEA with four Title I public school attendance areas and a total Title I allocation of \$1,000,000 would determine the proportional share as follows:

## EXAMPLE OF DETERMINING THE PROPORTIONAL SHARE AVAILABLE FOR TITLE I EQUITABLE SERVICES

Public School Attendance Area	# of Public school Low-Income Children	# of Private School Low-Income Children	Total # of Low-Income Children
A	500	120	620
B	300	9	309
C	200	6	206
D	350	15	365
<b>TOTAL</b>	<b>1,350</b>	<b>150</b>	<b>1,500</b>
<b>PROPORTIONAL SHARE</b>	<b>90%</b>	<b>10%</b>	
	<b>\$900,000</b>	<b>\$100,000</b>	

# Title IIIIV Funding



- Children and educators in nonprofit private elementary and secondary schools in the LEA's service area
  - - “nonprofit institutional day or residential school” that provides elementary or secondary education through grade 12
- Some covered ESEA programs restrict eligibility or participation to a particular group of children

- Share of funding allocated to provide services determined based on “eligible” children
  - Eligible children = Students in nonprofit private schools in the LEA’s service area
  - Not income-based
- LEAs must calculate the “proportional share” of funding for equitable services under each covered program
- The calculation:
  - Based on where student attends private school, not where the student lives

# Proportional Share Example



<b>EXAMPLE OF FORMULA TO DETERMINE AMOUNT FOR EQUAL EXPENDITURES BASED ON TOTAL ENROLLMENT OF CHILDREN</b>	
<b>A. Number of Eligible Children</b>	
A1: LEA Enrollment	900
A2: Participating Private Schools' Enrollment	100
A3: Total Enrollment = A1 + A2	1,000
<b>B. LEA program (e.g., Title II, Part A) Allocation</b>	
B1: Total LEA Allocation	\$1,000,000
B2: Administrative Costs (for public and private school programs)	\$50,000
B3: LEA Allocation Minus Admin Costs = B1 - B2	\$950,000
<b>C. Per Pupil Rate</b>	
C1: B3 divided by A3	\$950
<b>D. Equitable Services</b>	
Amount LEA must reserve for equitable services for private school children and educators = A2 x C1	\$95,000

# Consultation

LEA obligated to conduct outreach to schools every year

- Title I: All private schools within the district that might have students eligible to participate in Title I programs
- Title VIII: All private schools in the district
- Even if they have previously refused services
- May set a “reasonable deadline” for response

# Timely and Meaningful Consultation



- An LEA is required to engage in timely and meaningful consultation
- Requirement is predicated on the good faith efforts of all parties
  - genuine opportunity to express their views
  - have their views given serious consideration
  - to discuss viable options for ensuring equitable participation
- ESEA requires LEA to consult with private school regarding size and scope of equitable services provided, proportion of funds allocated, and how proportion determined.

LEA must keep documentation that consultation has occurred:

- Required:
  - Intent to Participate Form
  - Affirmation of Consultation with Private School Officials
- Recommended:
  - Record of invitation, agendas, sign-up sheets
  - Notes regarding topics discussed
  - Record of evaluating programs, addressing complaints

# CFSGA



- Intent to Participate Form
- Affirmation of Consultation with Private School Officials
- Equitable Services Planning Templates



# Carryover

- Funds allocated to private school must be obligated in the fiscal year for which the funds are received
- An LEA—not private school—is responsible for ensuring that Title funds are obligated in a timely manner.
- An LEA, following consultation with private school, may impose reasonable deadlines on private schools to meet obligation requirements.

- If an LEA is providing equitable services as required it generally should not have any carryover.
- The ESEA does not prohibit carryover of funds for equitable services
- The 15 percent carryover limitation based on an LEA's total Title I allocation, including the portion allocated for equitable services.
  - LEA generally must carry over any equitable services funds not obligated- if an LEA exceeds the carryover limitation, and SEA reduces LEA's allocation as a result, reduction may not come from carryover funds used to provide equitable services.

# Resources

- <https://www.sde.idaho.gov/federal-programs/equitable-services/>
- <https://www.ed.gov/sites/ed/files/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf>
- <https://www.ed.gov/sites/ed/files/2023/05/Title-I-ES-guidance-revised-5-2023.pdf>



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